

02280.002620.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Thierry I. Pham
NEIL A. WILLCOCKS ET AL.)	
	:	Group Art Unit: 2625
Application No.: 09/587,108)	
	:	Confirmation No. 6805
Filed: June 2, 2000)	
	:	
For: HIGH RESOLUTION INK-JET)	
PRINTING ON EDIBLES AND	:	
PRODUCTS MADE)	

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF CLAUDIO A. PUGLIESE

I, Claudio A. Pugliese, declare as follows:

I. Personal Background

1. I am employed by Mars, Incorporated, as a Customer Care Manager and I have held that position for over two years. In that capacity, among other duties, I manage the collection and analysis of data collected from consumers who have purchased custom printed M&M's® Brand Milk Chocolate Candies over the Internet using the MY M&M's® website.
2. Prior to joining Mars Incorporated, I was a call center manager for over twenty years.

3. I have personal knowledge of the means used to collect the data described in this Declaration and I am an expert in the field of interpreting customer survey results.

II. Background Relating to Patent Application

4. I am familiar with the above-captioned application, to the extent that I understand all of the pending claims relate to the printing of a "high quality image having a resolution greater than about 200 dpi" on a sugar shell candy or jellybean, where the image has been selected by a consumer, according to the claims of the application. I understand that all of the claims have been rejected by the United States Patent and Trademark Office for alleged obviousness, and I make this Declaration in support of the non-obviousness of the invention, as evidenced by the commercial success of, and positive consumer reaction to, the MY M&M's® business.

III. Consumer Care Data

5. The MY M&M'S® website is an Internet application with which consumers can select images and order M&M's® Brand Milk Chocolate Candies having the images printed on the candy with a high resolution ink-jet printer (the "custom-printed product").

6. The data in this Declaration was generated from consumer responses to an online survey emailed to all consumers who purchased confectionery on the MY M&M'S® website ten days after completing a transaction in the time period of January 2008 to November 2008. Consumers were asked to rate their "overall experience" with the

website and their impression of the “uniqueness of the product offering.” The cumulative answers to these questions are presented in graphic form in the attached Exhibit 1.

7. As a customer care professional, I am able to state that the percentage of consumers who responded to the survey attesting to the “uniqueness of the product offering” was extraordinarily high, outpacing even the positive responses registered for “overall satisfaction with the site experience.” I conclude from this that these consumers considered M&M’S® Brand Milk Chocolate Candies printed with a custom image to be a unique product, and not merely obvious.

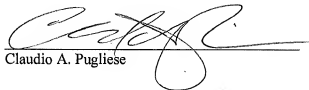
8. The percentages of responders who answered “Very Satisfied” in the “Site Experience” and “Uniqueness of Product Offering” categories, respectively, are known as the “top box scores.” These data are of interest to any customer care professional, and any such professional would consider these scores to be extraordinarily high by any normal measure used in the industry.

9. Custom printed M&M’s® Brand Milk Chocolate Candies are sold at a substantial premium compared to the conventional product. Even though the price-per-pound of the custom-printed product is several times the price of conventional M&M’S® Brand Milk Chocolate Candies, customer satisfaction and sales growth have remained strong. For example, when the MY M&M’S business was commercially launched in 2005, custom-printed product sold for about \$20/lb. (excluding shipping), whereas conventional M&M’S® Brand Milk Chocolate Candies sold for about \$3.00/lb.-\$4/lb. I conclude from the relative price-insensitivity of consumers in this market that the product is a commercial success as a result of the inventive features described in the claims. If the inventive product were obvious or easily substituted, I would expect sales to respond more

sensitively to changes in price. I conclude that the commercial success of the MY M&M's® website is attributable in large part to the uniqueness and non-obviousness of the product offering.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed this 28 day of OCTOBER, 2009



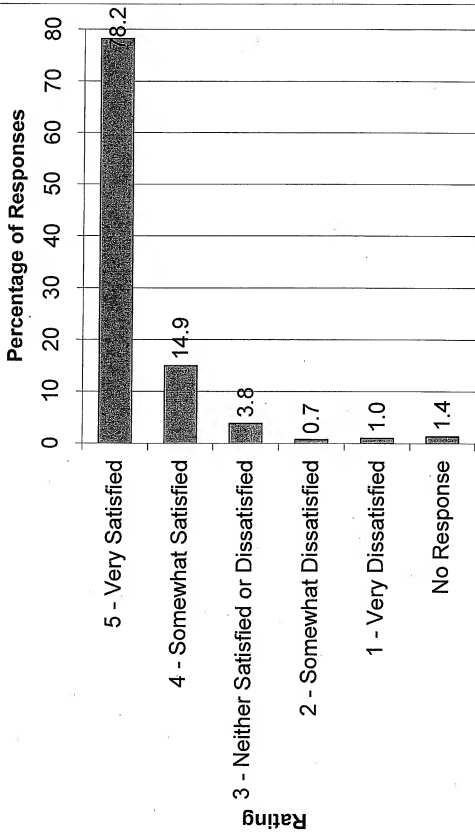
Claudio A. Pugliese

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EXHIBIT 1

CONSUMERS' RATING OF "UNIQUENESS OF PRODUCT OFFERING"

(Customer orders, January - November, 2008)



**CONSUMERS' RATING OF "SITE EXPERIENCE" (Customer orders,
January - November, 2008)**

